

**SIN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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ESTATE OF ALVIN COLE, by and through its  
Special Administrator, Tracy Cole,  
TRACY COLE, and  
ALBERT COLE,

Plaintiffs,

v.

Consolidated Case No. 21-cv-  
CASE NO. 22-cv-00856

CITY OF WAUWATOSA,  
JOSEPH MENSAH,  
BARRY WEBER,  
CITIES AND VILLAGES MUTUAL INSURANCE COMPANY, and  
ABC INSURANCE COMPANY,

Defendants.

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**DECLARATION OF MARIA ALBITER**

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Maria Albiter declares and states as follows:

1. My name is Maria Albiter. At all relevant times, I was a police officer with the City of Wauwatosa Police Department. I make this Declaration based on my personal knowledge and my involvement in the February 2, 2020, incident involving the shooting of Alvin Cole.
2. On February 2, 2020, I was assigned to Mayfair Mall for my entire shift.
3. At approximately 5:41 p.m. a call came over from dispatch reporting a disturbance at Mayfair Mall where a weapon was displayed.
4. On February 2, 2020, firearms were not permitted inside of Mayfair Mall for any reason other than in the possession of authorized law enforcement.
5. This report of a firearm at the mall was very concerning and created a dangerous situation for officers and the public. I believed I was responding to a disorderly conduct while armed situation, which is especially dangerous because it was reported in a public mall.
6. After receiving the report I made contact with nearby Mayfair Mall security officers and asked them where the incident was occurring in the mall.

7. I was informed that one of the subjects involved was located with security near the “Piercing Pagoda” inside the mall.
8. I went to that location and spoke with the subject, who identified himself as the victim of the disorderly conduct call.
9. I was informed by the victim that he was on the first floor of the mall walking with his group of people when another group of people, consisting of approximately three black females and seven black males, walked past them.
10. The victim described the subject with a gun, who was a member of the group walking past him, as a black male, approximately 5’05”, skinny build, light complexion, wearing a light hooded sweatshirt, with gold or black fanny pack strapped across his chest.
11. The victim stated the subject lifted a black semiautomatic handgun, possibly a Glock, from the fanny pack and partially displayed it to him. Security then arrived and the group ran away.
12. I provided the information including the suspect’s description and that he was believed to be armed, over the radio.
13. I then heard a broadcast on my radio from Police Officer Jeff Johnson stating that he observed the group of subjects involved in the altercation in the parking lot of Nordstrom.
14. As I was making my way to that location, I heard over my radio a police officer say that the subjects were running westbound through the parking lot and that there was an active foot pursuit.
15. I then exited the mall and ran towards the direction of the foot pursuit and heard shots fired.
16. I arrived to the area where the shooting occurred and I observed the suspect on the ground and several other WPD officers providing CPR.

Executed this 26<sup>th</sup> day of July 2023.

/s/ Maria Albiter

Maria Albiter